REMARKS

First, the Applicant would like to thank Examiners Sharp and Sandy for the allowance of Claims 9 to 15 and the indication of the allowability of Claims 3, 5 to 8, 18 and 19 provided such claims are rewritten in independent form including all of the limitations of the base claim and any intervening claims. Although the Applicant respectfully traverses the rejection of the claims, the undersigned attorney thanks the Examiner for his very clear and concise statement of the bases and grounds for the rejection and the helpful suggestions for amendment of the claims.

The Allowed Subject Matter

In response to the indication of the allowability of Claims 3, 5 to 8, 18 and 19 (which were objected to as being dependent upon rejected claims), the Applicant has added new Claim 21 which combines the subject matter of Claims 1 and 3, Claim 22, which combines the subject matter of Claims 1 and 5, Claim 24, which combines the subject matter of Claims 16 and 18, and Claim 25, which combines the subject matter of Claims 16 and 19. Claim 23 is dependent upon Claim 22. Thus, the Applicant respectfully submits that new Claims 21 to 25 are in condition for allowance based upon the indication of the allowability of the above-referenced dependent claims.

The Allowability of the Amended Rejected Claims:

Claim 1 has been amended to include the subject matter of cancelled Claim 2 and includes the suggestions for amendment made by the Examiner. First, Claim 1 is directed to a "double-sided clinch-type female fastener for attachment to a panel." Second, Claim 1 has amended to recite that the clinch-type female fastener is "formed of a deformable metal." Third, Claim 1 has been amended to include the subject matter of Claim 2 and the suggested amendment by the Examiner and now recites "wherein said clinch-type female fastener is symmetrical ***along and about a longitudinal axis of said bore***." (emphasis added).

Claim 1 as filed (and several of the remaining claims) was directed to a "self-attaching female fastener element." This term is specifically defined in the specification at page 1, paragraph [00003], beginning at line 23, as follows:

> As used herein, the term self-attaching female fastener element is intended to be generic to pierce and clinch female fastener elements, including pierce and clinch nuts.

However, the Examiner construed "self-attaching female fastener" at page 3, paragraph [00004] as "not limited to elements pertaining specifically to pierce/clinch nut applications" and suggested a "more meaningful descriptor of 'double-sided female clinch-type fastener for engagement with a panel surface.'" Although the Applicant respectfully traverses this finding, claim 1 has been amended as suggested by the Examiner. Further, it should be noted that the bore 26 of the female fastener "may be threaded for receipt of a conventional bore (as shown in the drawings) or the bore may be smooth for receipt of a thread forming or thread rolling bolt or screw." (Page 3, paragraph [00007], lines 13 and 14). That is, the bore does not have to be threaded. Finally, Claim 1 has been amended as suggested by the Examiner on page 3, paragraph [00004], to recite that the female fastener is "symmetrical along and about a longitudinal axis of said bore" to more specifically define the symmetry of a preferred embodiment of the female fastener of this invention as shown in the drawings.

Claims 1, 2 and 4 were rejected by the Examiner as ***anticipated by*** U.S. Patent No. 1,363,104 of ***Foss*** and 3,301,942 of ***Lee*** under 35 U.S.C. § 102(b) and unpatentable over U.S. Patent No. 2,415,695 of ***Kann*** in view of the teaching of U.S. Patent No. 3,187,424 of ***Double et al*** under 35 U.S.C. § 103(a). The Applicant respectfully traverses these rejections, as follows. First, the ***Foss*** patent discloses a "Skin Marker" including a disc cutter 9 supported on a journal pin 8 and further including a marking cutter 14 having radially projecting cutting blades 15 supported on journal pin 13, wherein the cutter disc 9 and marking cutter 14 are supported on a frame 1 and handle 5. The Applicant respectfully

submits that the ***Foss*** patent is ***unrelated art*** and a person of ordinary skill in this art would not refer to the ***Foss*** patent in designing a self-attaching female fastener, particularly a "clinch-type female fastener for attachment to a panel." Further, Claim 1 now recites that the female fastener is "formed of a deformable metal" which would be contrary to the teaching of the ***Foss*** patent, wherein the "cutter disc 9" must be formed of a sharp steel or similar material for cutting and marking animal skins. The specification of this application specifically supports this limitation at page 9, paragraph [00025], beginning at line 21, which states:

> The fastener element 20 is preferably formed of a deformable metal, such as low to medium carbon steel, which is preferably not heat treated. However, depending upon the installation, the fastener element 20 may be formed of other metals, including aluminum, brass, etc., particularly where the fastener element is utilized as a clinch nut.

Thus, Claim 1 has been amended to specifically refer to a "double-sided clinch-type female fastener," as suggested by the Examiner, although the Applicant respectfully traverses the rejection of Claim 1 as filed as anticipated by the ***Foss*** patent.

The ***Lee*** patent discloses an "insulation washer" which is preferably formed "from a suitable dielectric material, for example, ceramic" and the claims are limited to either a "relatively brittle material" (Claim 1) or a "ceramic body" (Claim 3). Again, however, the Applicant respectfully submits that the ***Lee*** patent is ***unrelated art*** and certainly does not meet the limitations of Claim 1, particularly as amended.

The ***Kann*** patent discloses a clinch-type nut having a cylindrical body portion 10, a threaded bore 13 ***through one end*** and a tubular riveting portion 11 at the opposed end and the embodiment disclosed in Figure 5 includes a circular ***planar*** flange 15 integral with the body portion and the tubular riveting portion 11. The ***Double et al*** patent assigned to the predecessor in interest of this application (Multifastener Corporation) discloses a rectangular pierce nut (10, 110 and 210) including flanges 36 and 38 which depend angularly downwardly

and outwardly from the upper generally flat top surface 22 of the shank 18 and wherein the shank portion 18 is undercut below surfaces 42 and 44 of the flanges 38 and wherein the shank body 18 has vertical sides 26 and 28 forming an undercut now generally referred to as a pilot portion. It is respectfully submitted that the fasteners disclosed in the ***Kann*** and ***Double et al*** patents cannot be characterized as "symmetrical along and about a longitudinal axis" of the bore, are not "double-sided" and obviously must be oriented prior to attachment to a panel. As set forth in the specification of this application, "orientation of the fastener elements significantly reduces the feed rate of the female fastener elements to the installation head and requires special orientation equipment." (Page 2, paragraph [00004], beginning at line 9). The disclosed embodiment of the female fastener is symmetrical "along and about a longitudinal axis" of the bore to eliminate orientation of the fasteners prior to installation, which is one object of this invention.

Thus, the Applicant respectfully submits that Claim 1 patentably distinguishes over the prior art, particularly including the ***Foss***, ***Lee***, ***Kann*** and ***Double et al*** patents and allowance of Claim 1 is respectfully requested. Claims 3 to 8 have been amended to conform to the "clinch-type female fastener" and Claim 3 has been amended as suggested by the Examiner to recite that the body portion "includes outer clinching surfaces circumscribing said opposed ends."

Claim 16 has been amended similar to Claim 1 to recite a "method of attaching a ***symmetrical clinch-type*** female fastener element to a panel," wherein the clinch-type female fastener element is ***symmetrical along and about a longitudinal axis of said bore***" and wherein the method includes "receiving ***either*** one of said end portions of said body portion of said symmetrical clinch-type female fastener elements through an opening in a panel." That is, the clinch-type female fastener element being symmetrical along an about a longitudinal axis of the bore permits receiving "either one of said end portions of said body

portion" through an opening in a panel. ***It is important to note*** that the term "clinch-type female fastener element" is ***generic*** to either a pierce of clinch nut because, as set forth above, a pierce nut is also clinched to the panel following piercing and a clinch-type nut may be utilized either as a pierce or clinch nut. Thus, the Applicant has adopted the terms suggested by the Examiner, although "self-attaching female fastener" is similarly defined in the specification as set forth above.

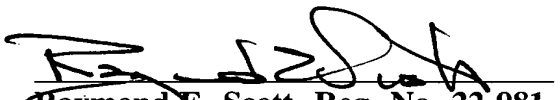
Claims 16, 17 and 20 were rejected by the Examiner as anticipated by ***Double et al*** under 35 U.S.C. § 102(b). It is believed that paragraph **[8]** on page 7 of the Office Action incorrectly states that "Claims 16-20 are rejected under 35 U.S.C. § 102(b) as clearly anticipated by ***Double et al***" based upon the indication of allowability of Claims 18 and 19 as set forth in paragraphs **[17]** and **[18]**. The method disclosed in the ***Double et al*** patent does not disclose the installation of a "symmetrical clinch-type female fastener element" which "is symmetrical along and about a longitudinal axis of (the) bore" wherein the method includes receiving "***either*** one of said end portions" of the body portion through an opening in a panel. Instead, as set forth above, the pierce nut disclosed in the ***Double et al*** patent is rectangular and ***asymmetrical*** and thus would not be suitable or ***capable*** of the method of this invention as defined in Claim 16. In fact, none of the prior art references cited by the Examiner disclose a "clinch-type female fastener" which is "symmetrical along and about a longitudinal axis of (the) bore of the female fastener." All of the references require orientation of the fastener prior to installation.

Claims 9 to 15 were allowed in the first Office Action and Claims 21 to 25 were indicated as allowable if rewritten in independent form. Further, as set forth above, the Applicant respectfully submits that Claims 1 and 16, as amended, patentably define over the prior art and allowance of Claims 1 and 3 to 25 is therefore respectfully requested.

The Commissioner is authorized to charge our Deposit in the amount of $212.00 as required for the filing of this Amendment. Also, if there are any additional fees due, the Commissioner is authorized to charge our Deposit Account for those additional fees or credit the account for any overpayments regarding this Amendment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.



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Dated: October 25, 2004

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Amendment** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. **EV489349572US** and addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **October 25, 2004.**

Tracy L. Smith

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